

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4,9, and 14 are requested to be cancelled.

Claims 1, 6, and 11 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5-8, 10-13, and 14 are now pending in this application.

The independent claims have been amended to clarify a variety of aspects including that the supply chain computer is generating a graph with the organized data to assess market trends; the supply chain computer tracking the data against forecasted sales on a daily basis and determining a deviation on at least a daily basis; generating an alert if a deviation meets a criteria; grouping of the data relating to the sale of different types of goods into a second format; permitting access to the grouping of the data in the second format; and upon access by a member of the supply chain, parsing the data based on an identification of the member. The graph aspect has been incorporated from the dependent claims 4, 9 and 14, respectively. The aspects relating to receiving the data on different goods sold by the stores in a first format, the tracking of the data against forecasted sales on a daily basis and determining a deviation, the generation of alerts, the conversion to a second format by grouping the data from different good types, and upon access by a member of the supply chain, parsing the data based on an identification of the member may be found at pages 41-43 and 30-32 and 233-238 of applicants' disclosure. The claimed method, system and program product now encompasses a comprehensive system for managing a supply chain for a franchise that provides not only graphical data for trend analysis, but also generates alerts when deviations are detected from forecasted sales levels, provides sales data grouping from the individual stores, and also parses the sales data based on the user that is accessing the data. For example, if a distributor

is accessing the system, then the data is parsed so that the sales data for the stores that the distributor handles is provided.

Claims 1-15 were rejected under 35 USC 103 over Shavit et al. in view of Salvo et al. This rejection is respectfully traversed. Shavit discloses a system that facilitates direct communications between disparate independent buyers and sellers, and also facilitates various payment services and freight services. There is no disclosure of receiving POS data. This is logical because Shavit is not involved in the management of a supply chain for a franchise operation made up of a plurality of independent stores. The multiple buying and selling transactions that Shavit is facilitating are independent of each other. Shavit does not disclose or suggest a managed system, or disclose any mechanism for operating a managed system, much less one with the features recited in the claims.

The examiner notes that Shavit does not disclose data being tagged with a date, or organizing the data by region and dates and assessing market trends with the data or generating a graph from the data. Shavit also does not disclose the receipt of the sales totals of the different types of goods from the individual stores not made on the network, or the generation of alerts, or the conversion of the data to a second format by grouping the data. Shavit also does not parse the sales data based on the user that is accessing the data to provide pertinent information.

The examiner cites Salvo for disclosing data related to sales. However, Salvo relates to monitoring levels at a silo storage facility, not sales of goods at stores. Salvo does not receive sales data from completed sales at a plurality of stores from a franchise operation, much less tag that data and represent it in graphical form. Additionally, Salvo does not disclose the receipt of the sales totals of the different types of goods from the individual stores, or tracking the data against forecasted sales on a daily basis and determining a deviation on a periodic basis and generating an alert if a deviation meets a criteria, or the conversion of the data to a second format by grouping the data, or the parsing of the sales data based on the user that is accessing the data to provide pertinent information. Salvo does disclose generating alerts, but

these alerts are based on shortages of inventory (column 8, line 54) or if a market price for a commodity drops to a level set by the plant (column 8, lines 15-18).

To summarize, a comprehensive system for managing a supply chain for a franchise operation of independent stores is not disclosed by either reference, and neither are the individual pieces that go into the claimed comprehensive solution disclosed.

The examiner has taken official notice that it is well known in the art of marketing to collect daily, weekly and quarterly sales data and place the data in graphical form. It is requested that this position be substantiated with prior art references, per MPEP 2144.03. In view of the fact that multiple elements are missing from the Shavit and Salvo references, such proof is essential to nullify the potential that applicants' specification is being used as a blueprint for such a combination.

The examiner states that the three-way combination of the system of Shavit et al., the system of Salvo et al., coupled with the examiner's official notice for key missing elements at the heart of the claim, makes applicant's claimed invention obvious to one of ordinary skill in the art. The examiner cites as motivation for such a combination a statement in Salvo et al. at column 3, lines 50-52 to provide "suggestions for a vendor's (also known as a supplier) manufacturing schedule." However, this statement has no relation to organizing and presenting data to manage a franchise operation. The franchise manager is faced with the problem, particularly in promotion contexts, of bringing in sales data from disparate independent stores, tagging that data so that it can be processed and organized to generate graphs to determine market trends, and at the same time, determining if the sales data significantly deviate from the forecast for the promotion, and generating an alert. Likewise, the manager needs to see various groupings of the data to determine what product mixes are most effective for purposes of future promotions or for making mid-course changes to a current promotion. Finally, the distributors and suppliers need to understand the current status of sales at the stores that they service, and the data must be parsed so that only pertinent data is provided for each respective distributor or supplier, based on its respective ID. This

reference in Salvo has no relationship to a comprehensive franchise management solution for disparate independent members of a franchise supply chain.

In view of the foregoing amendments and remarks, the reconsideration and withdrawal of the rejection is respectfully solicited and an early passage to issue is requested.

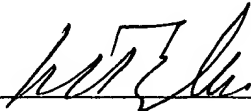
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/16/04

By 

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